GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Smt.M.K.R.Vijaya Kumari, Retired Regl. Dy. Dir., W.D & C.W., Kurnool and former R.D.D., W.D & C.W., Eluru – Indulge in criminal case and sent for judicial custody on the charges of Criminal intimidation in connection with an orphan girl by name Shaik Begum alias Manjula - Disciplinary proceedings initiated under Rule – 20 of the A.P.C.S [CC&A] Rules 1991 – Imposing a punishment of 10% cut in pension for a period of three years under Rule – 9 of A.P.Revised Pension Rules, 1980 – Orders – Issued.

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03. And whereas, the Charged Officer, vide reference 3rd read above, has submitted her explanation, denying all the charges framed against her vide Memo. 2nd read above.

04. And whereas, Government vide G.O.4th read above, in exercise of the powers conferred under sub – rule (2) of Rule – 20 of A.P.C.S (CC&A) Rules, 1991, have appointed the Jt. Dir. (Admn.), O/o Director, W.D & C.W., A.P., Hyderabad, as Enquiry Officer to enquire into the charges framed against the Charged Officer as the Charged Officer has denied all the charges framed against her.

05. And whereas, in the reference 5th read above, the Enquiry Officer has submitted her enquiry report, stating that the three charges framed against the Charged Officer may not be held proved. In the meantime, the Charged Officer, has retired from service on 31-12-2012, on attaining the age of superannuation.

06. And whereas, Government after careful examination of the matter have provisionally decided to impose a punishment under Rule-9 of A.P.Revised Pension Rules, 1980 to withhold 10% cut in admissible pension for a period of three years in respect of the Charged Officer i.e. Smt.M.K.R.Vijaya Kumari, former R.D.D., W.D & C.W., Eluru and now Retired R.D.D., as the acquittal of the Charged Officer by the Hon'ble Additional Asst. Sessions Judge, Eluru in Case No.420/2000 cannot be construed as a clean acquittal as the victim, who is the main witness and other witnesses in the Criminal Case turned hostile.

07. And whereas, Government vide Memo.6th read above, have issued notice to Smt.M.K.R.Vijaya Kumari, former R.D.D., W.D & C.W., Eluru and now Retired R.D.D., to show cause as to why a penalty of 10% cut in admissible pension for a period of three years under Rule – 9 of A.P.Revised Pension Rules, 1980, as indicated in Para – 6 above shall not be imposed upon her, with in a period of fifteen days from the date of receipt of this notice to Govt., for taking further action in the matter.

08. And whereas, Smt.M.K.R.Vijaya Kumari, former R.D.D., W.D & C.W., Eluru and now Retired R.D.D., vide reference 7th read above had submitted her explanation to the Show Cause Notice, among other things, while reiterating the preface of the case, has stated that it is a well settled position of law that upon exoneration in the departmental enquiry and acquittal from the criminal case, the employee is entitled to full pay and allowances for the period of suspension by treating the suspension period as ' on duty 'and entitled for promotion notionally for the next category as he / she was not considered during the pendency of disciplinary proceedings / criminal case, when the cases of persons junior to him were considered. She has therefore, requested the Government for releasing all the pensionery benefits and to promote her to the category of Joint Director on par with her juniors by dropping the Govt. No.8880/Estt.A3/1999, dated 29-04-2015, by taking into account the above position.

09. In the circumstances stated above, Government after careful examination of the matter have decided to confirm the provisional decision taken earlier i.e. to impose a penalty of 10% cut in admissible pension for a period of three years under Rule-9 of A.P.Revised Pension Rules, 1980 in respect of Smt.M.K.R.Vijaya Kumari, former R.D.D., W.D & C.W., Eluru and now Retired R.D.D., as the explanation dated 30-06-2015 submitted by her has no new grounds for consideration.

10. And whereas, the Government vide Letter 8th read above have forwarded a proposal to the Secretary, A.P.P.S.C to obtain and communicate the concurrence of the 'Commission' on the decision taken by the Government as in Para – 09 above so as to conclude the disciplinary proceedings, pending against the Charged Officer.

11. And whereas, the Principal Secretary, A.P.P.S.C., vide its letter 9th read above, has informed the Government that the 'Commission' has agreed with the proposal of the Government to impose the punishment i.e. to withhold 10% cut in admissible pension for a period of three years against the Charged Officer.

12. Now, the Government after careful consideration of the matter, under Rule – 9 of A.P.Revised Pension Rules, 1980, hereby impose the punishment of

withholding of 10% [ten percent] cut in admissible pension for a period of three years in respect of Smt.M.K.R.Vijaya Kumari, Retired R.D.D., W.D & C.W., Kurnool and formerly R.D.D., W.D & C.W., Eluru, as the explanation dated 30-06-2015 submitted by her has no new grounds for consideration and also as the acquittal of the Charged Officer by the Hon'ble Additional Asst. Sessions Judge, Eluru in Case No.420/2000 cannot be construed as a clean acquittal as the victim, who is the main witness and other witnesses in the Criminal Case turned hostile.

13. This order issues with the concurrence of A.P.P.S.C vide its Lr. 9th read above.

14. This order does not preclude the Government from taking any further action on the other three disciplinary proceedings, which are pending before the Government against Smt.M.K.R.Vijaya Kumari, Retd., R.D.D., W.D & C.W., A.P and formerly R.D.D., W.D & C.W., Eluru, vide (i) G.O.Ms.No.10, Dept. for WCD & SCs (Estt.A2), dated 30-03-2015 read with G.O.Rt.No.65, Dept. for WCD & SCs (Estt.A2), dated 30-03-2015 (ii). G.O.Ms.No.14, Dept. for WCD & SCs (Estt.A2), dated 08-04-2015 read with G.O.Rt.No.69, Dept. for WCD & SCs (Estt.A2), dated 08-04-2015 and (iii). G.O.Ms.No.12, Dept. for WCD & SCs (Estt.A2), dated 30-03-2015 read with G.O.Rt.No.67, Dept. for WCD & SCs (Estt.A2), dated 30-03-2015.

15. The Director (I/c), W.D & C.W., A.P., Hyderabad, shall take necessary further action in the matter, accordingly.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

Dr.(Smt.) POONAM MALAKONDAIAH,
PRINCIPAL SECRETARY TO GOVERNMENT (FAC).

To
Smt.M.K.R.Vijaya Kumari, Retd., R.D.D., W.D & C.W., A.P and formerly R.D.D., W.D & C.W., Eluru, through the Director (I/c), W.D & C.W., A.P., Hyderabad.
The Director (I/c), W.D & C.W., A.P., Hyderabad.
The Accountant – General, A.P., Hyderabad.
The Director of Treasuries and Accounts, A.P., Hyderabad.
Copy to: -
The Principal Secretary, A.P.P.S.C., A.P., Hyderabad.
The R.D.D., W.D & C.W., Kurnool.
Copies of the G.O added to the three disciplinary cases files of (i). C.No.6539/Estt.A2/2011 (ii). C.No. C.No.8133/Estt.A2/2011 and (iii). C.No.378/Estt.A2/2013, in A.P.Secretariat, for information and record.
SF / SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER